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C O N F I D E N T I A L SECTION 01 OF 02 LA PAZ 001038

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SUBJECT: NATIONAL ELECTORAL COURT ON POSSIBLE ELECTIONS

Classified By: Ecopol Counselor Andrew Erickson for reasons 1.4 (b) and (d).

SUMMARY

11. (C) In a April 10 meeting with the Ambassador, National Electoral Court (CNE) President Salvador Romero said there is "complete uncertainty" regarding possible electoral events related to the Constituent Assembly (CA), including referendums on controversial constitutional changes and a final referendum to approve the new constitution. Romero said the CNE needs a minimum of four months to plan a national election, and that if a preliminary constitutional referendum is necessary, the court would need three months between the preliminary and final referendums. While Romero sees the Bolivian electorate as equally divided between MAS and non-MAS supporters, he believed the opposition would fare better in a constitutional referendum than a presidential contest since opposition supporters would likely have a united position. Romero said that while executive branch attacks on his court have died down (mostly because the GOB has been distracted by the January unrest in Cochabamba and subsequent natural disasters), he remains concerned about threats against the CNE via the Constituent Assembly. Despite rumors about possible presidential elections, Romero indicated that such a contest is on the far horizon, possibly not coming to fruition before late 2008, because logistical constraints make an earlier date impossible. End summary.

UNCERTAINTY REGARDING CA REFERENDUMS

12. (C) In a April 10 meeting with the Ambassador, National Electoral Court (CNE) President Salvador Romero said there is "complete uncertainty" regarding possible electoral events related to the Constituent Assembly (CA), including referendums on controversial constitutional changes and a final referendum to approve the new constitution. He said it

is unclear whether referendums on controversial articles would even be necessary, noting that much will depend on whether the MAS pursues a moderate or more radical constitutional draft. Romero said many questions remain about how proposed constitutional changes would be presented to the citizenry-- article by article, by groups of articles, or by topic (e.g, autonomy or land reform) -- in addition to questions about how many proposals would be permitted for each article. Romero noted that because there is no limit on the number of articles that could be submitted to referendum, the entire constitution could gain preliminary approval in that fashion. Romero also pointed out that the law which convoked the Constituent Assembly envisioned only a referendum on the final text, and that Congress would have to amend it to legitimize preliminary consultations on controversial articles.

LOGISTICS AND TIMING

13. (C) Romero said the CNE needs a minimum of four months to plan a national election, and that if a preliminary constitutional referendum is necessary, it would need three months between the preliminary and final referendums. In other words, if the CA's mandate is not extended (which is a topic currently under discussion in political circles) and the CA reaches consensus on all articles, a referendum on a final text would take place in approximately December 2007. If the CA does not reach consensus, the preliminary referendum would take place around December 2007, followed by the referendum on the final text in approximately March 2008. If the CA's mandate is extended, on the other hand, all

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electoral events would be pushed back. As a final note on procedural matters, Romero said his court would be interested in international observers, but said that only executive branch may invite OAS or EU observers.

WILD CARDS

14. (C) Romero noted several "wild card" factors in the CA process. One is that the convoking legislation provides that two-thirds of CA delegates present are required to approve the final text, calling to mind the now-famous midnight session in which the MAS approved several controversial laws without opposition members present. Another is Morales' push to permit Bolivians living abroad to vote in upcoming elections. Because no polls have been conducted (and in fact because there are no reliable statistics on how many Bolivians even live abroad), it is unclear whether such voters would support Morales or the opposition in an electoral contest. Finally, on GOB or Venezuelan efforts to issue carnets to possible MAS supporters, Romero said he has not seen any statistics on new registered voters because the ministry of government and the police manage that process.

SPECULATION ABOUT MAS STRENGTH

15. (C) While Romero sees the Bolivian electorate as equally divided between MAS and non-MAS supporters, he believed the opposition would fare better in a constitutional referendum than a presidential contest since opposition supporters would likely have a united position. Romero also speculated that Morales may have lost some middle class support since the December 2005 presidential election. He thought that Morales' solid base, however, which he estimated at around 30 percent of the population, is satisfied with GOB progress. Romero asserted that if the GOB were to lose the constitutional referendums, it would likely lash out at the CNE. If, on the other hand, the MAS wins the referendums, he

thought it would be a blow for the opposition, but not a devastating one, as he thought eastern Bolivia will attain departmental autonomy sooner or later.

COMMENT

16. (C) Romero said the executive branch's attacks on his court have died down, mostly because the GOB has been distracted by the January unrest in Cochabamba and subsequent natural disasters. He remains concerned, however, about threats against the CNE via the Constituent Assembly. Despite rumors about possible presidential elections, Romero indicated that such a contest is on the far horizon, possibly not coming to fruition before late 2008 due to logistical constraints. In the meantime, Morales himself seems worried about upcoming elections, as he has devoted considerable energy of late to pushing the vote for 16 year olds -- thought to be reliably in his camp-- although the majority of Bolivians oppose the measure. Despite Morales' apparent insecurities, he continues to enjoy popularity ratings of around 65 percent. End comment.
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